

**COLLEGE OF DUPAGE  
FREQUENTLY ASKED QUESTIONS  
May 31, 2011**

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**GENERAL**

**What is the basis of the dispute between the College of DuPage and the Village of Glen Ellyn?**

The College of DuPage is located within the jurisdictional limits of the Village of Glen Ellyn. The College, because it is a multi-jurisdictional body comprised of parts of DuPage, Cook, and Will counties, believes that it is generally exempt from the Village's ordinances and regulations, particularly with respect to issues of land use and construction. The Village believes that its ordinances and regulations apply to all of its residents, including COD, but has been willing to negotiate with the College to accommodate its requests for greater flexibility and independence to aid in the College's expansion.

**Has the relationship between the College and the Village always been contentious?**

No. The Village and College enjoyed a cooperative working relationship for many years since the College was annexed to Glen Ellyn in 1973. The College Board recognized this relationship with two resolutions to the Village in the 1980s and by hosting a dinner for the Glen Ellyn community in December 2009. The Village recognized this relationship in the preambles of all of its recent resolutions regarding the College.

When the College began working on its new master facilities plan in 2003, the jurisdictional authority of the Village was discussed. Despite the discussions about jurisdiction that began at that time, the two entities maintained a cooperative relationship and successfully worked together to develop an Intergovernmental Agreement (IGA) that was approved in 2007. In December 2008 the College unilaterally terminated the 2007 IGA and took the position that it was not subject to any oversight by the Village. The Village has been actively working with the College to a new common-ground agreement since that time.

**Did the Village reject the new proposed IGA?**

The Village did not reject the new IGA, but continued consideration of the item at the request of the members of the community to allow additional time for public review and input. The Village has scheduled a Special Village Board meeting on June 6<sup>th</sup> in order to allow public comment on the situation between the College and the Village.

**Is it true the Village requested last minute changes to the proposed IGA?**

No. The Village worked tirelessly to negotiate a new IGA with the College. Throughout the negotiations, the Village has maintained that life/health/safety issues are of the utmost importance to the Village. At the request of the College, the Village made it clear in writing that the agreement needed to contain certain public safety provisions in March 2011. The College asked that the Village identify which specific ordinances would apply. The Village recognized the "quasi-criminal" language was removed from the IGA prior to the approval of the IGA by the College Board.

**Did the Village threaten the College with cutting off its water supply or not issuing a liquor license?**

No. The Village has not threatened to cut off the College's water supply or withhold liquor licenses if COD initiates de-annexation proceedings. However, it is Village policy to only provide utilities to properties that are annexed or have an annexation agreement with the Village. Therefore, if COD chooses to de-annex, the Village will need to decide if it will continue to provide utilities to the College at out-of-Village rates or if the College will need to make arrangements to obtain water and sanitary sewer services from another source.

The Village has granted the College a liquor license for the McAninch Arts Center for many years and that will continue. The Village is currently reviewing and processing the application for a liquor license for the new Culinary and Hospitality Center. The Village does not currently have a liquor license available, which would serve such a facility and the Village's ordinances would need to be amended to add a new license category. The Village President, who is also Glen Ellyn's liquor commissioner, wants to partner with the county in granting this new license, since, if the College de-annexes, it would be up to county personnel to monitor and enforce this license, which allows for liquor being served in the midst of students, many of whom are underage.

**Have any Village Board or College Board elected officials participated in the meetings, negotiations, or mediation sessions regarding the development of the most recent IGA?**

The Village President and various members of the Village Board attended many of the meetings. None of the elected College Board member have participated in any of the meetings, discussions, or negotiations to date.

**CONSTRUCTION ACTIVITY AND REVIEW**

**To date, what construction projects at COD have been reviewed by the Village?**

The Village reviewed plans for all new buildings, additions, remodeling, signs and parking lots constructed on the campus up until the IGA was revoked in December 2008. The Culinary and Hospitality building, the Homeland Security building, the renovations for the Berg Instruction Center (BIC) and the Student Services Center (SSC) addition were constructed after the IGA was revoked. Therefore, these buildings were not issued a building permit and have not been inspected by the Village. Instead, the College hired architects to review the plans and conduct inspections. Courtesy copies of partially complete (90%) plans were shared with the Village for these four building projects. These plans did not include fire sprinkler system and fire alarm system engineering plans. The College has offered to give the Village 100% plans if requested to do so.

At the Village's expense, a review of the 90% plans was conducted by a Village building consultant, B&F Technical. B&F Technical employs plan reviewers and inspectors that are certified in International Building Code plan review and inspection. B&F's review of the plans resulted in 131 comments on the Culinary building, 134 comments on the Homeland Security building and 105 comments on the BIC/SRC/SSC. The College has responded to those items that the Village deemed to be the most critical for life safety purposes. It cost the Village \$30,730 to perform independent reviews of these buildings. There is no process in place that would allow the Village to recover these costs.

**What building construction projects at COD has the Village not issued building permits for?**

Building permits were not applied for or issued for the new Culinary and Hospitality Center, the new Homeland Security Center, the renovation of the BIC/SRC or the SSC addition.

**What construction projects at COD has the Village not conducted inspections of?**

Elevator inspections were conducted for all existing and new elevators on the campus. Inspections were also conducted for all new water main installations and alterations and water and sanitary sewer line connections. Inspections of some of the improvements to Lambert Road were also conducted. No building or fire inspections were conducted for the new Culinary Arts building, Homeland Security building, BIC/SRC renovation or the SSC addition. COD has indicated that it has hired a consultant to conduct the remaining building inspections for these projects. The Village has not received copies of any inspection reports.

**Does the College of DuPage need occupancy permits before it moves into new buildings?**

The Village Code requires occupancy permits to ensure that basic life safety standards are met before a building is inhabited. Prior to the revocation of the previous IGA, building and occupancy permits were granted by the Village for construction projects on the campus. No occupancy permits have been issued for

any construction projects started following the revocation of the 2007 IGA (Culinary Arts building, Homeland Security building, BIC/SRC renovation, or SSC addition).

**Has COD applied for stormwater permits for the construction projects?**

The College has applied for stormwater permits for all projects related to the build out of its Master Facilities Plan. The College is currently not in compliance with all stormwater and wetland regulations through its failure to complete monitoring reports and submit final grading surveys, some of which have been outstanding for up to seven years.

**Does development at the College fall under the “School Act”?**

State Statute provides that building permit reviews, inspections and occupancy permits for most elementary, junior high and high school district projects are processed and conducted by the State. The DuPage Regional Office of Education (ROE) reviews building plans, resolves issues and assists architects and school districts with their design and construction. Community colleges *clearly* are not included in or governed by the School Law and their plans and construction are not subject to oversight and review by the ROE.

**What requirements and oversight does the Illinois Community College Board offer to development at the College?**

The Capital Projects Manual produced by the Illinois Community College Board sets forth a list of Codes that must be followed for community college development projects. The last item on the list is “any local building codes that may be more restrictive”. There is nothing in the law that exempts community colleges from standard building permit and inspection processes. Similarly, there are no exemptions for community colleges from local zoning and signage regulations.

**Why didn’t the Village proceed with citations and court proceedings immediately following the College’s refusal to comply with building, zoning, and sign codes?**

The Village recognizes the College is a first-class institution and valuable community asset to the Village, the county and District 502. The Village very much values its relationship with the College, and wished to resolve any disputes amicably. The Village’s goal was to identify common ground where both entities were able to address issues of critical importance. The Village understands that it is not ideal to have two governmental entities, both supported by tax payer dollars, in costly court proceedings. For these reasons, the Village chose to first concentrate its efforts on developing a new IGA that would ensure the safety of College students, employees, visitors and neighbors as provided by building and development codes, protect the interests of the Village and the surrounding residents and ensure that basic public life/health/safety issues would be addressed. Out of good faith that the IGA negotiations would be successful, the Village operated as if an IGA was in place since the original one was canceled. Of note, the Village also operated as if the original IGA was in place when negotiations for it commenced in 2005.

**Why doesn’t the Village begin to issue citations, stop construction and send inspectors in now?**

The issuance of citations for the signage prompted a discussion in court about the jurisdictional disputes between COD and the Village. Since these citations were issued, the Village and College participated in mediation and have met regularly for about a year in an effort to develop an IGA that would be acceptable to both parties. During this time, in good faith that the negotiations would be successful, the Village chose to focus its efforts on working with the College on a new IGA rather than taking enforcement action. Now that COD has rescinded the proposed 2011 IGA, the Village will be revisiting all of its options.

## **AGREEMENT PROVISIONS**

### **What Village regulations/processes would COD have been subject to under the proposed 2011 IGA?**

- The College would have been required to follow local building codes. No building permits or inspections would have been issued by the Village. Instead, the College would have hired a consultant to conduct “peer” building permit reviews and inspections. Per the proposed agreement, the College would have provided the Village with copies of these “peer” plan reviews. The Village may have chosen to conduct an independent review of the building plans at its own expense. COD would also have given the Village inspection reports. There would have been no requirement for COD to make any revisions to the plans or actual construction that were found to be deficient by peer reviewers or the Village. If the Village disagreed with the findings in a “peer” review, disagreements would have been resolved in arbitration.
- The College would have been exempt from complying with the Village’s Zoning Code requirements, including permitted uses, building setbacks, building height, parking standards, lighting, landscaping, etc.
- The College would have only been required to reimburse the Village for out of pocket costs related to the review of COD projects by the Village’s stormwater and wetland consultants. COD would not have been required to reimburse the Village for out of pocket costs related to the review of COD plans by any other consultants.
- The College would have been required to comply with liquor license regulations. The fees the Village could charge for liquor licenses would have been capped at \$2500 annually.
- Please see the attached chart for an overview of what other processes/regulations the College would have been subject to including, but not limited to, stormwater, signage, architectural review and utility requirements and processes.

### **What regulations/processes was COD subject to under the previous 2007 IGA?**

- The College was subject to the Village’s Zoning Code requirements. However, no changes could be made to the Community College zoning district created in 2007 for the College without the College’s consent. In addition, the approved Master Plan granted the College flexibility to make certain adjustments to the plan without Village review.
- The previously approved IGA offered COD the flexibility to relocate buildings and construct small accessory buildings without review by the Village.
- COD had the option of hiring an independent third party to perform building permit reviews and inspections or requesting the Village to perform these services. If the College chose to hire a third party to conduct these reviews and the Village disagreed with the findings, any disagreements would be resolved in arbitration.
- The 2007 IGA provided for expedited building permit and stormwater plan review as well as reduced fees and a waiver of public property damage deposits and monetary securities from the College.
- COD was permitted to perform maintenance projects through the issuance of an annual building permit rather than individual permits for each project.
- Exterior appearance review of each building was waived in lieu of the establishment of Architectural Design Guidelines and Landscape Guidelines that COD developed for the campus.
- The College was responsible for paying all out of pocket Village expenses related to reviews of COD projects, including reviews by the Village’s stormwater, wetland, traffic and any other consultants.
- The College was required to comply with all liquor license regulations and to pay all applicable fees.
- Please see the attached chart for an overview of other processes/regulations the College would be subject to including, but not limited to, stormwater, signage, architectural review and utility requirements and processes.

**What other items were contained in the original 2007 IGA and Village-approved Master Plan that could have a negative impact on the Village following the 2008 IGA revocation by COD?**

- The previous IGA and approved Master Plan required the College to monitor traffic on Park Boulevard and for the College to extend the northbound left turn lane at Park Boulevard and College Road when queuing lengths were reported to exceed the maximum queuing length of 300 feet.
- The approved Master Plan required the College to maintain a minimum number of 5900 parking spaces on the east side of campus and 1340 spaces on the west side of campus (7240 total). In the proposed 2011 IGA, COD would only be required to maintain a total of 5000 parking spaces on the campus. This is 2240 spaces less than required by the previously approved Master Plan. Parking has also not been provided for 91,000 square feet of new building area constructed on the campus that was not included in the Master Plan.
- The approved Master Plan required the College to grant the Village a 10-foot wide easement on the south side of College Avenue to accommodate the future extension of a water main in this area which would allow the eventual looping of the water main which is important for Village water pressure and quality.
- Certain water and sanitary mains that run through the campus and which are owned by the College were to be dedicated to the Village. These mains are connected to the mains for the entire Village and some contiguous areas and their previously planned dedication to the Village would have allowed the Village to maintain control over the entirety of these utility systems to ensure that their integrity is maintained.

**Has the College historically complied with the Village's Sign Code regulations?**

Yes. COD previously applied for and received approval of two Master Sign Plans, one in 1994 and another in 2002, which included the granting of multiple variations by the Village. The sign installations by the College in 2010 were the first signs installed by the College in violation of the Sign Code and previously agreed-upon variations.

**Has COD complied with zoning, building, stormwater, sign and other regulations in other communities where it has satellite campuses?**

Yes. Documentation shows that COD has a history of applying for building permits, zoning variations, and sign variations in the six communities where the College maintains satellite campuses.

**If the Village approves the proposed 2011 IGA, under what conditions could it be terminated?**

The proposed agreement has a term of two years with no provision for termination during the term.

**Are Weeds, Parades and Litter really life/health/safety ordinances/issues?**

No, but along with noise, air pollution and other nuisance-type issues, they become quality of life issues to the neighbors of the College. For example, the Village often gets neighbor inquiries about the noise levels at the College, particularly during early morning construction. The Village has always contacted the College first to resolve these issues and on occasion has worked directly with the contractors causing the disturbance. As for weeds, the College installed native plants in its and the Village's parkways in 2008. By 2010, this effort was marred with weeds. The Village received several complaints. The Village contacted the College and the College opted to replace all of the native plantings with new sod, etc. Removal of these basic ordinances greatly depletes the neighbors' and Village's options of working with the College to quickly and efficiently develop acceptable solutions to any community issues that may arise.

**FEES**

**How much has the Village spent in legal fees to negotiate the 2011 IGA that the College just recently rescinded?**

The Village has spent approximately \$133,000 in legal fees since the College revoked the 2007 IGA in December of 2008.

**What fees has the College paid for the two new buildings started after the dissolution of the 2007 IGA (Culinary and Homeland Security)?**

The Village has issued a building permit for site development and utility services for the Homeland Security building in the amount of \$42,494 and a permit for the Culinary building in the amount of \$40,026. These permit fees have been paid by COD. Fees for building plan reviews and construction inspections have not been charged for any of the four building projects in accordance with the proposed 2011 IGA that the College has since rescinded.

**What additional fees would the College pay for the Culinary and Homeland Security buildings if the IGA were not in place?**

Excluding the fees for site development and utilities services above, COD would pay the Village approximately \$123,000 for plan reviews and construction inspections for the Homeland Security building and \$123,000 for plan reviews and construction inspections for the Culinary building if it were treated like any other commercial development in the Village. If these buildings were permitted under the terms of the 2007 IGA, then the fee for plan reviews and construction inspections of these two buildings would be reduced to approximately \$30,000 each, which is roughly the Village's cost without considering the Village's resources and services.

The above-mentioned fees are essentially "user fees" that are charged by ordinance to all who use the Village's planning and building plan review and inspection services. In the absence of the Village collecting these fees, the Village absorbs the cost of these plan reviews and inspections which impacts Glen Ellyn taxpayers.

**What water rate does the College pay the Village? What rate would the College pay if they de-annex?**

The College currently pays standard water and sanitary sewer rates of \$6.34 per 1,000 gallons of water and \$5.39 per 1,000 gallons of sewer. If the College de-annexes, they would be subject to out-of-Village rates of \$9.51 per 1,000 gallons of water and \$5.67 per 1,000 gallons of sewer. Based on current usage rates, the cost increase to COD is estimated to be about \$100,000 annually. Based on Glen Ellyn's existing boundary line agreement with Wheaton, water and sanitary sewer services could not be provided by Wheaton. The only other utilities in the area are owned by Illinois American. Illinois American water mains and sanitary sewer trunk sewers would need to be extended in order to serve the campus which could involve significant extra expense.

**DISCONNECTION**

**What does the Village lose if COD disconnects?**

- In financial terms, the Village would lose sales tax revenue associated with retail sales at the College, such as books and food. Other tax revenues that would be lost include electricity tax, natural gas tax and telecommunications tax. The total amount of these tax revenues is estimated to be above \$200,000 a year.
- The proposed de-annexation of the College would potentially disconnect parts of the incorporated Village. Neighbors of the College have talked about potential annexation to the Village. The College "leaving" would make that much more difficult for some properties.

**What are some other facts or information regarding the College's potential de-annexation including services, building requirements, etc.?**

- The College could be an unincorporated part of the county. Based on existing boundary line agreements between Glen Ellyn other municipalities, the College could not annex to another municipality.
- The Village understands that the County would "grandfather" all existing College development upon the College's de-annexation from the Village.

- The Village has been informed that COD would be required to follow similar stormwater, zoning, building and signage regulations in the County if the College became unincorporated.
- The College would continue to maintain a Glen Ellyn postal address.
- The Village would no longer offer police services to the College except in instances of mutual aid. The College has its own capable police force. Police service would also become the responsibility of the DuPage County Sheriff's office. The Village could choose to no longer serve water to the College.
- The Glen Ellyn Volunteer Fire Company has indicated that they would continue to serve the campus.
- The Village would still graciously welcome and receive the benefit of the students, employees and visitors that pass through Glen Ellyn when attending College classes and events.

**If the College disconnects from the Village, who do residents speak with to address issues with the College?**

If the College disconnects and remains in unincorporated DuPage County, residents would need to direct concerns either to the College administration and elected Board of Trustees or DuPage County.

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